

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL BLESSING, et al., on Behalf of Themselves and All
Others Similarly Situated,

Plaintiffs,

-against-

SIRIUS XM RADIO INC.,

Defendant.

No. 09-cv-10035 (HB)(RLE)

**NOTICE OF MOTION TO REQUIRE
APPELLANTS TO POST AN APPEAL BOND**

PLEASE TAKE NOTICE, that upon the Court's Opinion and Order dated August 24, 2011; the Court's Final Judgment and Order, entered August 25, 2011; the Court's Order Awarding Attorneys' Fees and Expenses, entered on August 25, 2011; the accompanying Declaration of James J. Sabella and the exhibits thereto; the accompanying Memorandum of Law; and all other papers and proceedings herein, Plaintiffs Carl Blessing, Edward A. Scerbo, John Cronin, Brian Balaguera, Scott Byrd, Glenn Demott, James Hewitt, Todd Hill, Curtis Jones, Ronald William Kader, Edward Leyba, Greg Lucas, Joshua Nathan, James Sacchetta, David Salyer, Susie Stanaj, Janel and Kevin Stanfield, Paul Stasiukevicius, and Paola Tomassini will move this Court, at the courthouse at 500 Pearl Street, NY, NY, at a date and time to be set by the Court, for an order pursuant to Rule 7 of the Federal Rules of Appellate Procedure, requiring Appellants to post a bond to secure an award of costs and attorneys' fees to Appellees on appeal, and for such other and further relief as the Court deems proper and just.

Dated: October 5, 2011

Respectfully submitted,

GRANT & EISENHOFER P.A.

MILBERG LLP

/s/ James J. Sabella

/s/ Paul F. Novak

Jay W. Eisenhofer
Richard S. Schiffrin
James J. Sabella
Shelly L. Friedland
485 Lexington Avenue
New York, NY 10017
Tel.: 646-722-8500
Fax: 646-722-8501

Herman Cahn
Peter Safirstein
Anne Fornecker
One Penn Plaza
New York, NY 10119
Tel.: 212-594-5300
Fax: 212-868-1229

and

and

Mary S. Thomas
1201 N. Market Street
Wilmington, DE 19801
Tel.: 302-622-7000

Paul F. Novak
One Kennedy Square
777 Woodward Avenue, Suite 890
Detroit, MI 48826
Tel.: 313-309-1760

and

and

Reuben Guttman
1920 L Street, N.W., Suite 400
Washington, DC 20036
Tel.: 202-386-9500

Nicole Duckett
300 S. Grand Avenue, 39th Floor
Los Angeles, CA 90071
Tel.: 213-617-1200

COOK, HALL & LAMPROS, LLP

/s/ Christopher B. Hall

Edward S. Cook
Christopher B. Hall
P. Andrew Lampros
Promenade Two, Suite 3700
1230 Peachtree Street, N.E.
Atlanta, GA 30309
Tel.: 404 876-8100
Fax: 404 876-3477

Class Counsel

**ABBNEY SPANIER RODD & ABRAMS,
LLP**

Jill Abrams
Natalie Marcus
212 East 39th Street
New York, NY 10016
Tel.: 212-889-3700

SHAHEEN & GORDON, P.A.

Christine Craig
140 Washington Street
Dover, NH 03821
Tel.: 603-749-5000

Attorneys for Plaintiff John Cronin and Todd Hill

GARDY & NOTIS, LLP

Mark C. Gardy
James S. Notis
560 Sylvan Avenue
Englewood Cliffs, NJ 07632
Tel.: 201-567-7377

FARUQI & FARUQI, LLP

Nadeem Faruqi
Shane T. Rowley
369 Lexington Avenue
New York, NY 10017
Tel.: 212-983-9330

Attorneys for Plaintiff Edward A. Scerbo

SCOTT+SCOTT LLP

Joseph P. Guglielmo
500 Fifth Avenue
New York, NY 10110
Tel.: 212-223-6444
and
Christopher M. Burke
600 B Street, Suite 1500
San Diego, CA 92101
Tel.: 619-233-4565

FREED & WEISS LLC

Jeffrey A. Leon
Eric D. Freed
111 West Washington Street, Suite 1331
Chicago, IL 60602
Tel.: 312-220-0000

**CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN**

James E. Cecchi
Lindsey Taylor
5 Becker Farm Road
Roseland, NJ 07068
Tel.: 973-994-1700

SEEGER WEISS LLP

Stephen A. Weiss
James A. O'Brien, III
One William Street
New York, NY 10004
Tel.: 888-584-0411

LAYTIN VERNER LLP

Jeffrey L. Laytin
Richard B. Verner
One Pennsylvania Plaza, 48th Floor
New York, NY 10119
Tel.: 212-631-8695

Additional Counsel for Plaintiffs

BLOOD HURST & O'REARDON LLP

Timothy G. Blood
Thomas J. O'Reardon, II
600 B Street, Suite 1550
San Diego, CA 92101
Tel.: 619-338-1100

THE WRIGHT LAW OFFICE, P.A.

William C. Wright
301 Clematis Street, Suite 3000
West Palm Beach, FL 33401
Tel.: 561-514-0904

ADEMI & O'REILLY, LLP

Shpetim Ademi
Guri Ademi
David J. Syrios
3620 East Layton Avenue
Cudahy, WI 53110
Tel.: 866-264-3995

Additional Counsel for Plaintiffs

BERGER & MONTAGUE, P.C.

Merrill G. Davidoff
Michael Dell'Angelo
1622 Locust Street
Philadelphia, PA 19103
Tel.: 215-875-3000

LEXINGTON LAW GROUP

Howard Hirsch
503 Divisadero Street
San Francisco, CA 94117
Tel.: 415-913-7800

Attorneys for Plaintiff James Hewitt

Attorneys for Plaintiff Brian Balaguera